IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 887 of 1999

in

SPECIAL CIVIL APPLICATION No 2838 of 1997

with

CIVIL APPLICATION No 6084 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAHYABHAI RAMJIBHAI @ RAIJIBHAI DESAI DECEASED THRU

Versus

STATE OF GUJARAT

Appearance:

MR JITENDRA M PATEL for Appellants

MR PR ABICHANDANI, AGP for Respondent

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and

HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 29/06/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Learned counsel Shri J.M. Patel straightaway sought permission to withdraw the present appeal with a liberty to approach the learned Single Judge seeking amendment to his main writ petition as well as the appeal against the order dated 22nd December, 1997 passed by the learned Single Judge dismissing his Special Civil Application No.2838 of 1997, as according to him, the Division Bench of this court order dated 6th September, 2000 makes it clear that the matter was squarely covered in his favor by an earlier judgment of the learned Single Judge of this court in the case of LAJJASHANKER KESHAVJI JOSHI vs. STATE OF GUJARAT reported in 1985 (2) G.L.R. Page 658, which was not considered by the learned Single Judge while dismissing his writ petition. Learned AGP Shri P.R. Abichandani has no objection.

2. Hence, permission granted and this appeal is dismissed as withdrawn.

3. Interim relief of status quo granted earlier on Civil Application No.6084 of 1999, filed in the present appeal, to continue till the learned Single Judge decides the application filed by the appellants.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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